



Town of Mashpee

Recreational Mooring Rules and Regulations

Massachusetts General Laws, Chapter 91, Section 10A, states that individuals who wish to moor or anchor a boat in the various harbors or waters within the Town of Mashpee (or any other town in the Commonwealth) must first obtain permission from the Harbormaster. Additionally, Mashpee has Town Waterways Bylaws (Chapter 170) as well as Regulations promulgated by the Harbormaster pertaining to moorings. The regulations are below. Mooring equipment specifications follow.

Under the authority of Massachusetts General Laws, Chapter 90B, Sections 15B and Chapter 102, Sections 21 through 26 and the By-Laws of the Town of Mashpee (Authority given under Chapter 170), the following Rules and Regulations are created and effective as of January 1, 2011.

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1.0 Permit Holders

Private mooring shall mean any mooring permitted by the Town of Mashpee to an individual. The only vessel allowed on that mooring shall be the one registered to that mooring.

1.1 Transfers

There is no relationship between property ownership and the mooring permit. Mooring permits are not transferable when a property is sold. Moorings may be transferred to immediate family members as allowed in CMR 310, 90.7, d.

1.2 Use, Lack of

If a permit holder discontinues use of the mooring during the permit period, the Harbormaster may assign another boat to that mooring, during stormy weather or boating malfunctions. Use of the mooring in this way (during storms or mechanical malfunctions) may not be refused by the permit holder.

If a permit holder discontinues use of the mooring permanently, he or she shall notify the Harbormaster within 10 days. The mooring tackle shall be removed by the owner at that time, or be subject to removal at the permit holder's expense as provided in Chapter 170.

1.3 Renewal

Mooring permits are renewable each year and must be renewed by April 30th. If a renewal application is not received by April 30, it will be automatically revoked - nonrenewable. Normally, the same mooring number is retained from year to year, but the Harbormaster may reassign numbers if renewal is not timely.

A copy of the paid boat excise tax bill (when applicable) of the assigned vessel and its registration or documentation papers will be required with renewals after January 1, 2011. Failure to provide a registration or documentation and a copy of a paid excise tax bill may result in revocation of the mooring permit. Permitted sailboats or boats without motors (no registration requirement) shall require a photograph of the boat, its hull identification number and a letter describing the vessel associated with the mooring in place of a registration.

1.4 Mooring Fees:

Fees are based on boat length or float size. The fee for all boats or floats up to 20' or less is \$200.00. Boats 20'+ to 25' = \$250.00. Boats 25'+ to 30' = \$300.00 and boats 30'+ and up = \$400.00.

1.5 Temporary Mooring Permits

A mooring holder may loan his/her mooring for no more than seven days. A temporary mooring permit request form must be submitted by the mooring permit holder prior to temporary use. The Harbormaster will ensure that an appropriately-sized vessel will be on the mooring, i.e. length-draft, and then issue a temporary mooring permit if said vessel will not interfere with the mooring field area or navigation.

Rental or unauthorized use of a private mooring is forbidden and shall result in immediate revocation of mooring permit.

2.0 Dates of Occupancy

Mooring permits are issued for a period of one year on a calendar-year basis. They expire December 31st unless revoked earlier by the Harbormaster for good cause.

2.1 Winter Spar Buoys, Sticks

Winter spar buoys (winter sticks) shall be painted white, numbered and float upright at all times at not less than 45 degrees and shall have a minimum exposed length of 18 inches above any tide level. Winter spar buoys may be used only from October 1st to May 31st.

3.0 Billing

The Harbormaster or his designee will facilitate mooring bills being sent each year. Bills will be mailed after January 1st each year for that calendar year. Payment must be received by the town no later than April 30th of that same year (the year of use). Mooring permit holders must notify the Harbormaster, in writing, of address changes within the guidelines of the Massachusetts Registry of Motor Vehicles.

The mooring permit holder is responsible for making the annual payment each year. Renewal notices are sent as a courtesy only, non-receipt of an annual mooring permit bill is not excusal for late payments.

4.0 Specifications

Mushroom Anchor Size Requirements

<u>Boat Length</u>	<u>Weight of Mushroom Anchor</u>
Under 18 feet	100 pounds
18 to 22 feet	150 pounds
23 to 28 feet	200 pounds
29 to 32 feet	300 pounds
33 to 50 feet	500 pounds
51 to 65 feet	700 pounds

Scope and Size of Chain

Length of chain shall be from the ocean floor to four (4) feet above mean high water. Boats up to forty (40) feet shall use one-half (1/2) inch or larger; Boats forty-one (41) feet or larger shall use five-eighths (5/8) inch or larger.

Scope and Diameter of Pennant

Length of mooring pennants (lines) shall be approximately two (2) times the depth of water at mean high water at location of mooring. Boats up to twenty-two (22) feet in length shall use one-half (1/2) inch line; boats twenty-three (23) to twenty-eight (28) feet shall use five-eighths (5/8) inch line; boats twenty-nine (29) to thirty-five (35) feet shall use three-quarters (3/4) inch line, and boats thirty-six (36) feet or larger shall use one (1) inch line. Pennants must be made of nylon or equivalent line having no floatability.

4.1 Mooring Markings

Mooring buoys or markers shall always be clearly visible, and the number on the buoy shall be clearly visible. Mooring buoys shall be painted white, with a blue band not less than 2 inches in width, with numbers not less than 3 inches high in contrasting colors to the white buoy (black or navy blue are suggested). The buoy must be clearly visible at a distance of 150 feet.

4.2 Hull Stickers

Hull stickers shall be issued each year to the mooring holder. The stickers shall be attached to the upper right (starboard side) of the authorized boats transom. The corresponding mooring number will be printed on the sticker before issuance. Any misuse, to include duplication, selling or gifting of mooring stickers will result in revocation of mooring permits.

4.3 Required Equipment

The Harbormaster must approve the type, adequacy, and exact location of every mooring before being placed in the water. Some areas in town require short shank anchors only.

Any mooring may be inspected, removed, or relocated (within the same mooring field), by the Harbormaster whenever, in his judgment, the safety of other vessels or the maximum use of the area requires such action.

Mooring Specifications – Minimum Requirements

Allowed Mooring Anchors: Steel (or cast iron) mushroom, DOR MOR, helical screw.

Not Allowed Mooring Anchors: Cement blocks, granite blocks, radiators, engine blocks, etc.

4.4 Mooring Bands

The Harbormaster or his designee will attached a one use band to each permitted mooring, at the ball. The band will have the mooring number and will be of the same color as all other bands in the same mooring field. A new band will be attached each year, following the same process as above, but the color for each mooring field will change each year. Misuse, allowing unauthorized use of a band by another person or duplication of a band will result in immediate revocation of the mooring permit.

5.0 Maintenance

Water-logged mooring buoys and frayed mooring pennants (lines) shall be replaced within 10 days of the permit holder being notified by the Harbormaster. Mooring pennants must be of nylon or equivalent, but must not have any floatability.

Mooring tackle must remain in the water and at assigned location at all times (summer and winter, see equipment guidelines listed in this regulation). Failure to comply with any and all harbor/mooring regulations may result in the loss of the holder's mooring permit or permits.

6.0 Inspections

Mooring equipment (excluding steel or cast iron mushroom, DOR MOR, helical screw) will be replaced every three years. Proof of replacement will be accomplished by one of the following methods:

Written documentation of replacement by a competent licensed contractor who services and maintains moorings.

Or;

An out of water inspection conducted by the Harbormaster or his designee accompanied with a receipt proving the purchase of the required new equipment.

Steel or cast iron mushroom, DOR MOR, helical screw will be inspected every three years by one of the following methods:

Written documentation of inspection by a competent contractor who services and maintains moorings.

Or;

An out of water inspection conducted by the Harbormaster or his designee.

Failure to adhere to these regulations will result in revocation of the mooring permit the above equipment is assigned to.

6.1 Annual Inspection by Harbormaster

In addition to the “Banding” of mooring balls, the Harbormaster or his designee will inspect and verify that the mooring numbers on the mooring balls and hull stickers (of vessel affixed to the mooring) all match as permitted.

7.0 Waitlists

Mooring waitlists will be maintained by the clerical staff at the Mashpee Police Department. Mooring waitlists are posted on the Town of Mashpee website and are supported by paper files.

Moorings will only be assigned from the waitlists in sequence of receipt of the waitlist applications, with the oldest applicant receiving the first available opening.

Persons with current moorings who wish to move to another mooring field must apply to the waitlist for the desired area as outlined above.

Mooring permit holders who purchase larger vessels are not automatically authorized vessel placement. Written requests to modify vessel size must be submitted to the Harbormaster prior to a vessel being substituted for a current vessel. The water depth, additional vessel size and congestion of the mooring field will be reviewed before larger vessels are authorized to replace a current permitted vessel.

Denials of larger vessel requests may be appealed, in writing, to the Mashpee Chief of Police.

7.1 Waitlist Applications

Waitlist applications will be received and processed by the clerical staff at the Mashpee Police Department. All waitlist applications must be notarized in order to document the date and time the application was made. Persons who, in limited situations, are unable to process an application in person at the Mashpee Police Department, may mail the application to the Mashpee Police Department by certified mail. The date of the notarization must match the postmark of the certified mail (this will ensure proper placement on the waitlist). Mailed application received more than ten business days after the postmark/notarization will be rejected.

As of January 1, 2011, all persons on waitlists will be required to pay an annual administrative fee of \$5.00 to maintain their position on the waitlist(s). The \$5.00 administrative fee will cover up to three waitlists (locations). Persons grandfathered under the old waitlist protocols will pay an additional \$5.00 for each additional waitlist locations desired.

Failure to pay the annual administration fees will result in removal from the waitlist(s). The Harbormaster shall not be responsible for notification of this annual fee; it is the responsibility of the applicant to provide the annual administrative fee.

Applicants on the waitlists are responsible for notifying the Harbormaster, in writing, of an address change. Failure to notify of an address change may result in lack of notification to the applicant when an opening occurs. Lack of notification due to an unknown address for the applicant will cause the removal of the applicant from the waitlist(s).

8.0 Illegal Placement

Moorings located within the Town of Mashpee have been marked and mapped on GIS maps. Moorings shall not be moved without the written approval of the Mashpee Harbormaster.

8.1 Impounding

Moorings placed within the waters of the Town of Mashpee that are not permitted, as outlined in this regulation, will be removed at the expense of the owner. Unclaimed moorings will become the property of the Town of Mashpee Harbormaster as allowed in MGL 91, 10A.

8.2 Abandonment

Abandoned moorings will become the property of the Town of Mashpee Harbormaster. Owners of moorings are required to arrange for the removal of moorings no longer wanted. Owners may be responsible for the fees associated with the removal of abandoned moorings.

8.3 Voluntary Surrender

Mooring permit holders who no longer wish to maintain their mooring permit may gift, in writing, their equipment to the next person on the waitlist. The person receiving the gift must perform an inspection of the gifted equipment before use, regardless of the last inspection date. The Harbormaster must receive a copy of the gifting letter prior to the transfer of ownership being made.

9.0 Revocations/Violations

Revocations may be appealed in writing to the Mashpee Chief of Police or his designee.

Violations of these regulations will be marked in the following way:

Illegal Moorings: Illegal moorings will have a tag attached that warns the permit holder of the violation. After five days the mooring will be impounded and the owner liable for any expenses for its removal. Moorings impounded and not claimed will become the property of the Mashpee Harbormaster as outlined in MGL 91, 10A. The associated mooring permit is subject to revocation for this violation.

Unauthorized Vessels: Vessels attached to an illegal mooring, vessels that are not permitted, vessels that are not displaying a hull sticker (mooring permit number) as outlined in these regulations shall be subject to impound. Any fees associated with the impound of vessels, in violation of these regulations, will be the responsibility of the vessel owner. Unclaimed vessels will become the property of the Mashpee Harbormaster as outlined in MGL 102. The associated mooring permit is subject to revocation for this violation.

9.1 Safety Revocation

Moorings that become a hazard to property or persons will be impounded at the discretion of the Harbormaster and may cause revocation of the mooring permit.

9.2 Failure to Use Revocation

Permitted moorings shall be used on an annual basis for a minimum of two weeks. Suspensions may be requested by the owner after a written request to the Harbormaster explaining the reason for the suspension (illness, military deployment, etc.). Suspensions may be granted for no more than two years, after the second year the mooring will be assigned to the next person on the waitlist.

9.3 Unauthorized Use of Mooring Revocation

Allowing a vessel, other than the one registered to the mooring, to be placed on the permitted mooring may result in revocation of the mooring permit, unless the vessel is permitted under the temporary mooring permit program outlined in these regulations.

10.0 10A Floats

10A Floats within the Town of Mashpee shall have a mooring permit as outlined in this regulation. All fee schedules and renewals shall apply. 10A floats and docks will display, in 3 inch numbers, the permit number assigned to the float. These numbers shall face away from the land, toward the marked channel when possible.

11.0 Outhauls

Outhauls shall be regulated the same as moorings within these regulations. Outhauls shall additionally have an outhaul post and line that shall be kept in good working condition. Posts will be of adequate size to hold the vessel attached and must not create a hazard. Lines shall be replaced every three years with the mooring equipment unless for safety reasons it is required sooner.

12.0 Dinghy Regulations

Dinghy Racks

Dinghy racks, when constructed, will be the sole location for storage of dinghies on land owned by the Town of Mashpee for more than 24 hours at one time. Excluded will be the rip rap (rock wall) on the Seconsett Island Causeway.

Dinghy Size

Dinghies stored on dinghy racks shall not exceed thirteen feet in length.

Securing Dinghy

Dinghies shall be secured to the dinghy rack or other secure fixed object. The method used shall ensure that the dinghy will not float or blow away during extreme weather.

Liability for Dinghy

The Town of Mashpee is not responsible for any loss or damage to any dinghy stored as outlined in the regulations.

Assigned Dinghy Locations

Dinghies shall only be placed on assigned locations, by number, and permit. Mooring holders shall have sole use of dinghy racks and shall display assigned permits for dinghy storage.

Use of Dinghy Racks

Any person with a permit to store a dinghy on a rack must notify the Harbormaster in writing of their intent not to use the rack for any given season. Lack of use for more than one year or without notification to the Harbormaster, shall result in revocation of the dinghy rack permit.

Dinghy Waitlist

A waitlist procedure will be established that mirrors the mooring waitlist. A notarized application, date and time stamped, shall be required. The applications will be placed in the order they are received, with the first available permit going to the first person on the waitlist. In the event of more applications being received than spaces available during the initiation of the dinghy rack, a lottery will be conducted by the Mashpee Chief of Police to determine who obtains permits. Persons over 65 years of age, or persons who are disabled in accordance with Massachusetts Registry of Motor Vehicle standards, shall receive preference for dinghy rack permits during the initial implementation.

Violations of Regulations

Any violation(s) of these regulations may result in revocation of a dinghy rack permit at the discretion of the Harbormaster or his designee.